

**REMARKS**

Claims 1-7 and 10-16 are now pending in this application. Claims 1-13 are rejected. Claims 8 and 9 are cancelled herein. New claims 14-16 are added. Claims 1, 2, 5, 7 and 1-13 are amended herein to address matters of form unrelated to substantive patentability issues. Claims 1, 12 and 13 are further amended to incorporate the subject matter of claims 8 and 9.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1, 5, 6, 8, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Jokipii reference. Applicant herein respectfully traverses these rejections. “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claims 1, 12 and 13 are further amended to incorporate the subject matter of claims 8 and 9. The Examiner admits in the obviousness rejection of claim 8 and 9 that the Jokipii reference is lacks the subject matter of claim 9.

In view of the above, it is respectfully submitted that claims 1, 5, 6, 8, 12 and 13 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 5, 6, 8, 12 and 13 and their allowance are respectfully requested.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 2 and 3 are rejected as obvious over the Jokipii reference under 35 U.S.C. §103(a). Claims 4 and 7 are rejected as obvious over the Jokipii reference in view of the Stephenson reference under 35 U.S.C. §103(a). Claims 9-11 are rejected as obvious over the Jokipii reference in view of the Kuwana reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Claim 9 is rejected as obvious over the Jokipii reference further in view of the Kuwana reference. Each independent claim is now amended to include the subject matter of claims 8 and 9.

In view of the above, rejection of each of the amended claims must rely on the Kuwana reference in combination with other references. The effective date of

the Kuwana reference is December 23, 2003. Applicant submits herewith a translation of the priority document of the present application along with a Certification of Translation, executed by the translator, to perfect priority to the filing date of December 10, 2003, of the priority document. Accordingly, it is respectfully submitted that the Kuwana reference is now removed as prior art rendering said rejections moot.

### **NEW CLAIMS**

New claims 13-16 are submitted as patentable based upon the subject matter of base claims 1, 23 and 13 discussed and for further detailing subject matter of claim 9 now included in the base claims.

### **NEXT ACTION CANNOT BE MADE FINAL**

It is further noted that the above discussed features were present in the originally filed claim 9. Since the present amendment merely combines claim 8 and 9 into the independent claims, the present amendments cannot necessitate new grounds for rejection as the present rejections are respectfully submitted as having been overcome by virtue of the perfection of priority. Accordingly, it is respectfully submitted that a next Office Action cannot be made final.

**NO FEE DUE**

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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enc: Translation of priority document and Certification of Translation.